



Montoya, Darlene <dmontoya@nmag.gov>

FW: Request for Policies & Procedures Related to Officer-Involved Shooting and Other Use-of-Force Incidents

5 messages

William Pacheco <wpacheco@santafecountynm.gov>
To: "dmontoya@nmag.gov" <dmontoya@nmag.gov>

Mon, Jan 23, 2017 at 3:27 PM

Here you go Darlene.

William Pacheco

Captain, Santa Fe Sheriff's Office

505.986.2478 ~ off

wpacheco@santafecountynm.gov

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From: Patricia A. Flores

Sent: Wednesday, December 21, 2016 10:42 AM

To: William Pacheco

Cc: Robert A. Garcia; Gabe Gonzales; Ron Madrid

Subject: RE: Request for Policies & Procedures Related to Officer-Involved Shooting and Other Use-of-Force Incidents

Captain Pacheco,

Attached are the only two that may pertain to this request. These SOP's were executed on August 5, 2013. Please let me know if you need anything further. Also can you please advise them of Sheriff Garcia's correct email ragarcia@santafecountynm.gov.

Thank you,

Patricia A. Flores

From: Robert A. Garcia
Sent: Wednesday, December 21, 2016 9:19 AM
To: William Pacheco
Cc: Patricia A. Flores
Subject: Fwd: Request for Policies & Procedures Related to Officer-Involved Shooting and Other Use-of-Force Incidents

Sent from my iPhone

Begin forwarded message:

From: Rudy Garcia <RGarcia@santafecountynm.gov>
Date: December 21, 2016 at 9:10:43 AM MST
To: "Robert A. Garcia" <ragarcia@santafecountynm.gov>
Subject: FW: Request for Policies & Procedures Related to Officer-Involved Shooting and Other Use-of-Force Incidents

Hello Sheriff.

Hope all is well..

Rudy

From: Montoya, Darlene [<mailto:dmontoya@nmag.gov>]
Sent: Monday, December 19, 2016 5:00 PM
To: Rudy Garcia
Subject: RE: Request for Policies & Procedures Related to Officer-Involved Shooting and Other Use-of-Force Incidents

----- Forwarded message -----

Sheriff:

Attached please find correspondence from the Law Enforcement Board Subcommittee regarding the above-referenced matter.

If you have any questions or concerns, please do not hesitate to contact me. Thank you.

--

Darlene Montoya, Administrator
New Mexico Attorney General's Office
408 Galisteo Street
Santa Fe, New Mexico 87501
[\(505\) 490-4854](tel:(505)490-4854)

2 attachments



SOP-Use of Force.pdf
437K



SOP - 8-21 Post-Shooting Incident Procedures.pdf
132K

Montoya, Darlene <dmontoya@nmag.gov>
To: William Pacheco <wpacheco@santafecountynm.gov>

Mon, Jan 23, 2017 at 4:51 PM

Thanks Captain. The LEAB Subcommittee also requested information regarding the last time these policies were reviewed and/or revised, and how often your staff receives training on these policies. I will print out your response and attach it to them for the Subcommittee.

Thank you.

[Quoted text hidden]

William Pacheco <wpacheco@santafecountynm.gov>
To: "Montoya, Darlene" <dmontoya@nmag.gov>

Mon, Jan 23, 2017 at 4:58 PM

Revised and reviewed in August of 2013. New deputies get trained on all SOP's during orientation.

Captain Pacheco

From: Montoya, Darlene [<mailto:dmontoya@nmag.gov>]

Sent: Monday, January 23, 2017 4:51 PM

To: William Pacheco

Subject: Re: FW: Request for Policies & Procedures Related to Officer-Involved Shooting and Other Use-of-Force Incidents

[Quoted text hidden]

Montoya, Darlene <dmontoya@nmag.gov>
To: William Pacheco <wpacheco@santafecountynm.gov>

Mon, Jan 23, 2017 at 5:04 PM

Thank you so much. Say hello to your mom for me. Hope she is doing well.

[Quoted text hidden]

William Pacheco <wpacheco@santafecountynm.gov>
To: "Montoya, Darlene" <dmontoya@nmag.gov>

Mon, Jan 23, 2017 at 5:10 PM

I sure will. She doing well...

Sent from my iPhone

[Quoted text hidden]

S.O.P NUMBER 8-8

Use Of Force

1. POLICY

- A. Deputies are confronted daily with situations requiring the use of force to achieve an arrest or ensure public safety. The degree of force used depends on what the deputy perceives as reasonable and necessary under the circumstances at the time he or she decides to use force. Except for deadly force, the application of any degree of force is only justified when the deputy reasonably believes it is necessary :
 - 1. To prevent the escape from custody, make an arrest or an investigative detention of a person the deputy believes has committed a crime; or
 - 2. To defend himself or herself or another person from what the deputy believes is the use of force while trying to arrest another, prevent his or her escape, or otherwise lawfully take the person into custody.
- B. Facts or circumstances unknown shall not be considered in later determining whether the force was justified. The Office expects deputies to observe the following two guidelines in all applications of force:
 - A. Employ the minimum force reasonably necessary to accomplish a legal purpose.
 - B. Deputies may resort to more severe methods of force to overcome either increasing resistance or an increasingly dangerous threat to public safety.
- C. The escalation in the use of force typically follows a pattern: verbal control, compliance techniques, defensive tactics (e.g., Baton), and finally deadly force. Deputies must understand how to recognize increasing or decreasing levels of threat and respond appropriately.
- D. When applying deadly force, deputies objective must be to **“stop the action and incapacitate the suspect”**, not to kill, unless no other choice presents itself. The objective of the use of any force is to overcome the suspect’s resistance to a deputy’s lawful purpose: deputies shall avoid unnecessary or excessive applications of force.
- E. Deputies shall not unreasonably or unnecessarily endanger themselves, another deputy or the public when applying this policy.

2. PURPOSE

To establish guidelines governing the use of force and its limitations, and to clearly describe prohibited activities.

3. DEFINITIONS:

A. Deadly Force Includes:

1. The firing of a firearm, even though no intent exists to kill or inflict bodily harm.
2. Any force applied, in any manner, and by any means that could reasonably be expected to cause death or great bodily harm.
 - a. **“Great Bodily Harm”** means bodily injury which creates a substantial risk of death or which is likely to cause serious permanent disfigurement or loss, or extended impairment of the function of any body member or organ.

B. Non-Deadly Force:

Force employed which is neither likely nor intended to cause or inflict serious injury.

C. Firearms:

Any weapon from which a projectile is forcibly ejected by an explosive.

D. Reasonable Belief:

When facts or circumstances the deputy knows, or should have known, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

E. Serious Physical Injury:

A physical injury which creates a substantial risk of death, or which causes death or serious and prolonged disfigurement, or impairment of the function of any bodily organ or limb.

F. Excessive Force:

1. Force is excessive when its application is inappropriate to the circumstances, resulting in serious physical injury or death to a suspect. The U.S. Supreme Court, in *Graham V. Connor*, recently set forth guidelines for determining whether force has been excessively applied: the primary concern is reasonableness in its application, as judged by the on-scene officer. Based on the reasonableness standard, the following considerations contribute to a determination of excessive force:

1. The severity of the crime.
2. The nature and extent of the threat posed by the suspect.
3. The degree to which the suspect resists arrest or detention.
4. Any attempts made by the suspect to evade arrest by flight.
2. In evaluating the reasonable application of force, deputies must consider their own age, size, strength, and skill level with Office weapons, state of health, and the number of deputies opposing the number of suspects.

4. PROCEDURES FOR APPLICATION OF NON-DEADLY FORCE

The Santa Fe County Sheriff's Office trains deputies in the use-of-force continuum, emphasizing the recognition of and response to increasing levels of threat. Most instances in which force is applied are non-deadly. Deputies shall assess the incident to determine which technique will best defuse the situation and bring it under control. The following techniques reinforce key principles from training:

A. Verbal Control:

Verbal control refers to the manner in which the deputy speaks to a person, which of itself can effectively manage a situation. Verbal control includes advice, persuasion, warnings, or orders. The volume and tone of the deputy's speech may also contribute to control of the situation without having to resort to another method of force. The Office urges the use of verbal commands without the use of profanity or disrespectful or argumentative behavior.

B. Compliance Techniques:

At times, uncooperative people who refuse to be taken into custody may only respond to a combination of strength, leverage, take-downs, control holds, or come-a longs with sufficient force to make a lawful arrest without aggravating tension or a suspect's combativeness. The object of this level of force is to gain control and enforce the suspect's compliance while minimizing the risk of injury to the deputies, bystanders, or the person being placed into custody. Where lesser levels of force appear ineffective, deputies may employ hands, fists, feet, and knees, and so on

in striking an adversary, according to methods sanctioned through training.

C. Defensive Tactics:

The Office authorizes the carrying and use of the Baton as the only striking weapon for deputies: all other forms of striking or punching weapons are prohibited for carrying or use, including but not limited to saps, blackjacks, slapjacks, nunchaku and similar sticks, and brass knuckles. Deputies must be certified in the use of the baton. The weapon may be used in quelling confrontations involving physical violence where higher levels of force are unnecessary or inappropriate, and lesser levels are inappropriate or ineffective.

1. The PR-24 or expandable baton shall not be used to strike handcuffed individuals, nor to threaten or intimidate people.

5. DEADLY FORCE

A. Firearms - General:

1. Firearms may be used:
 - a. In defense of the deputy or others from what is reasonably believed to be an immediate threat of death or serious bodily harm; or
 - b. To prevent the escape of a fleeing felon whom the deputy has probable cause to believe will pose a significant threat to human life should escape occur.
 - (1) In evaluating a "significant threat", the deputy must reasonably believe that the person has either used deadly force in the commission of a crime or may inflict death or serious harm to the deputy or others if apprehension is delayed.
 - (2) Where feasible, deputies shall identify themselves and give a verbal warning before shooting.
 - c. To kill seriously injured or dangerous animals when no other disposition is reasonably practical. A supervisor's approval should be sought when possible.
 - d. In routine firearms training or practice at an approved range or for any legal sporting purpose.

B. Shotgun:

1. Due to its wide shot dispersion, the shotgun will only be used when a possibility exists that the deputy will be dealing with an armed robbery in progress, searching for armed suspects, or answering calls when the complainant has indicated a person is armed.
2. The Sheriff may approve the use of shotguns on raids and stakeouts when he/she believes that a threat to human life exists.
3. Shotguns will be carried in all patrol units.
4. Before beginning a tour of duty or at the end of each work day, deputies will inspect the shotgun assigned to the unit.
5. Deputies will remove the shotgun from the unit when leaving the vehicle at any garage or service center for maintenance.
6. During regular firearms qualifications, deputies will be required to demonstrate proficiency with the shotgun.
7. The general rules for the use of firearms above apply to shotguns.

6. LIMITATIONS ON FORCE:

The following acts associated with the use of force are prohibited.

- A. Firing into crowds.
- B. Firing a warning shot.
- C. Firing at or from a moving vehicle, except where the deputy reasonably believes that:
 1. An occupant of the other vehicle is using, or threatening to use, deadly force by means other than the vehicle; or
 2. A vehicle is operated in a manner deliberately intended to strike a deputy or a citizen, and all other reasonable means of defense have been exhausted (or are not present), which includes moving out of the path of the vehicle, and the safety of innocent persons would not be unduly jeopardized by the deputy's action.
- D. Firing into a building or through doors when the person fired at is not clearly visible unless the deputies are being fired upon from such building or through such door.

- E. Firing at a suspect when lesser force could be used and the deputy believes that the suspect can be apprehended reasonably soon thereafter without the use of deadly force, or when there is any substantial danger to innocent bystanders. **(When in doubt, don't shoot.)**
- F. Application of choke hold or carotid control holds, except when the deputy reasonably believes such holds are the only means of protecting him/herself or another person from imminent threat of serious physical injury or death.
- G. Use of Stream lights or Mag-lights or other flashlights as batons. A deputy may use a flashlight or other object designed for use other than a weapon ONLY to defend him/herself or another person from imminent serious physical injury or death and then ONLY if Officially sanctioned methods are not available or are impractical. The use of a flashlight under such circumstances shall be deemed an application of deadly force.
- H. The carrying or use of saps, blackjacks, or slapjacks.
- I. Use of deadly force against unarmed, non-dangerous fleeing felons, fleeing misdemeanants, or traffic offenders.
- J. Any use of force not reasonably necessary in the light of the circumstances confronting the deputy.
- K. Any forcible enforcement action when off duty except in circumstances which seriously threaten life, valuable property, or public order.

7. WEAPONS

A. Duty Weapon

While on duty, a deputy shall carry a Office issued or approved weapon as outlined in Standard Operating Procedure # 1-16.

- 1. Any deputy who wishes to carry a personally owned weapon on duty must request permission, in writing, from the Sheriff. Weapons must be inspected and approved by the Office armorer. In addition, the weapon must fire Office issued ammunition and the deputy must qualify with the weapon as well as with Office issued weapons.
- 2. The Office armorer shall maintain a record of all weapons used by deputies either on or off duty. The record lists weapon descriptions, ammunition type issued, date of

issue, and information pertaining to qualifications. Deputies shall annually review the records to ensure that they are up to date.

B. Off-Duty Weapons

Deputies are encouraged, but not required, to carry a handgun when off duty. A deputy who elects not to carry a handgun while off duty shall not be subject to disciplinary action if an occasion should arise in which he/she could have taken police action if he/she were armed.

- 1. (Exception) Off duty deputies while operating a Office vehicle shall be armed with an approved weapon.
- 2. Deputies who carry off-duty weapons must understand that in some social situations (e.g., sports) the carrying of a firearm would be inappropriate.
- 3. Deputies who have consumed alcoholic beverages shall not carry an off-duty weapon under any circumstances.

8. REPORTING USE OF FORCE

- A. Deputies shall document any application of force, except for those arising in training or Official demonstrations.
- B. If deputies have employed any degree of force, they shall:
 - 1. Immediately notify their commander of any use of physical force.
 - 2. Submit an offense/incident report, which describes the incident fully, to include any medical services rendered to the suspect and or the deputy.

9. OFFICIAL RESPONSE



- A. Pending administrative review, any deputy who has taken the life of another person or seriously injures another person, will be removed from line-duty assignment. This action protects both the deputy's and the community's interests until the situation is resolved. Administrative leave shall be for a minimum of three days or extended by the Sheriff on a case by case basis.
- B. Whenever a deputy discharges his/her weapon, except at an approved range or during any legal sporting activity, he/she shall immediately notify his/her supervisor and submit a written report of the circumstances as soon as possible, but before the end of his/her tour of duty.

1. The on-duty shift commander will notify the Sheriff or Undersheriff immediately.

NOTE: This Standard Operating Procedure is for internal use only, and does not enlarge a deputy's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Standard Operating Procedure, if proven, can only form the basis of a complaint by this Office, and then only in a non-judicial administrative setting.

10. REACTIVE CONTROL MODULE

REACTIVE CONTROL MODEL™ (RCM)*

SUBJECT BEHAVIOR:	COOPERATIVE	NON-COOPERATIVE	UNARMED ASSAILANT	ARMED ASSAILANT
SUBJECT'S "BEHAVIORAL" CUES: 	<ul style="list-style-type: none"> Complies with directions Does not resist Does not threaten Does not use force 	Resists Custody By <ul style="list-style-type: none"> Not Responsive to Directions Evasive to Questions Verbal Resistance or Body Posture Pulling / Moving or Running Away 	Resists Custody By <div> UNARMED THREATENING UNARMED ATTACK </div> Closes Distance	Resists Custody By <div> ARMED THREATENING ARMED ATTACK </div> Closes Distance
CRIMINAL ACTIVITY CUES:	Low Risk Activity	Threat	Type of Criminal Activity Investigating	High Risk Activity
OFFICER MENTAL CONDITION:	ALERT	CONTROL	ACTIVE	SURVIVAL
OFFICER'S ACTIONS: 		Verbal Persuasion EMPTY HAND TECHNIQUES ASSESSMENT <ul style="list-style-type: none"> Custody Decision Close Distance CONTROL BY <ul style="list-style-type: none"> Escort Position Distraction Techniques Compliance Holds Leveraged Takedowns Impact Takedowns Chemical Agents 	Verbal Commands <div> SHOW FORCE USE FORCE </div> ASSESS <ul style="list-style-type: none"> Draw Bar Other Intermediate Weapon Draw Display Assault Retreat 	Verbal Warning <div> SHOW FORCE USE FORCE </div> ASSESS <ul style="list-style-type: none"> Draw Bar Other Intermediate Weapon Draw Display Assault Retreat
P R E S E N C E				
	FORCED CUSTODY & CONTROL PROCEDURES			

* The RCM™ must be used in conjunction with the enclosed manual and only by an approved LEO instructor.

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S.O.P NUMBER 8-21
Post-Shooting Incident Procedures

1. PURPOSE

The purpose of this standard operating procedure is to provide guidelines that shall be uniformly applied following any deputy-involved shooting incident that has resulted in death or serious injury, in order to minimize the chances that involved personnel will develop or suffer from post-traumatic stress disorder.

2. POLICY

Law enforcement duties can often expose deputies and support personnel to mentally painful and highly stressful situations that cannot be resolved through normal stress coping mechanisms. Unless adequately treated, these situations can cause disabling emotional and physical problems. It has been found that deputy-involved shootings resulting in death or serious bodily injury to a citizen or a fellow deputy may precipitate such stress disorders. It is the responsibility of this Office to provide personnel with information on stress disorders and to guide and assist in their deterrence. Therefore, it shall be the policy of this Office to take immediate action after such incidents to safeguard the continued good mental health of all involved personnel.

3. DEFINITIONS

- A. *Post-traumatic Stress Disorder*: An anxiety disorder that can result from exposure to short-term stress, or long-term buildup of repetitive and prolonged milder stress.
- B. *Deputy-Involved Shooting Incidents*: A line-of-duty incident where shooting causes death or serious bodily injury to a deputy or other person.

4. PROCEDURE

A. Protocol for Deputies involved in a Shooting

1. A supervisor shall be dispatched to the scene of the scene of the incident, and shall assume primary responsibility in caring for involved personnel.
2. The supervisor shall make appropriate arrangements for all necessary medical treatment.
3. During any period where the involved deputy is required to remain on the scene, but has no immediate duties to fulfill, the deputy should be taken to a quiet area away from the scene of the incident. A peer counselor or other supportive friend or deputy should remain with the deputies, but should be advised not to discuss details of the incident.
4. The supervisor should arrange for the deputies directly involved in the incident to leave the scene as soon as possible, and be taken to a quiet, secure setting.

5. Wherever possible, the supervisor shall briefly meet with the involved deputies.

- a. No caffeine or other stimulants or depressants should be given to the deputies unless administered by medical personnel.
- b. Only minimal, preliminary questions should be asked about the incident. The deputies should be advised that a more detailed debriefing will be conducted at a later time.
- c. Any standard investigations that will occur concerning the incident should be discussed with the deputies.
- d. The deputies should be advised they may seek legal counsel.
- e. The deputies should be advised not to discuss the incident with anyone except a personal attorney, an agency attorney, or Official investigator until the conclusion of the preliminary investigation.

6. The supervisor shall determine whether the circumstances of the incident require that the deputy's duty weapon be taken for laboratory analysis. Where the duty weapon is taken, the supervisor shall:

- a. Take custody of the deputy's weapon in a discrete manner; and
- b. Replace it with another weapon, or advise the deputy that it will be replaced or returned at a later time, as appropriate.

7. Involved deputies should notify their families about the incident as soon as possible. Where a deputy is unable to do so, an Office official shall personally notify the family, and arrange for their transportation to the hospital.
8. At all times, when at the scene of the incident, the supervisor should handle the deputy and all involved personnel in a manner that acknowledges the stress caused by the incident.

B. Post-Incident Procedures

1. Involved personnel shall be removed from line duties pending evaluation but shall re-

main available for any necessary administrative investigations.

2. All deputies directly involved in a shooting incident shall be required to contact an agency designated specialist for counseling and evaluation as soon as possible after the incident. Involved support staff should also be encouraged to contact such specialists after a shooting incident. After counseling sessions, the specialist shall advise the agency:
 - a. Whether it would be in the deputy's best interest to be placed on administrative leave or light duty, and for how long;
 - b. Where the deputies were relieved of their duty weapons after an incident, at what point they should be returned;
 - c. What will be the best-continued course of counseling.
3. The agency strongly encourages the families of the involved deputies to take advantage of available counseling services.
4. Any agency investigation of the incident shall be conducted as soon as and as quickly as practical.
5. The agency should brief other agency members concerning the incident so that rumors are kept to a minimum. Agency members are encouraged to show the involved deputies their concern.
6. All personnel involved in a shooting incident should be advised they are not permitted to speak with the media about the incident. Deputies shall refer inquiries from the media to a designated agency spokesperson, unless otherwise authorized to release a statement pertaining to the incident.
7. In order to protect against prank or abusive calls, deputies should be advised to have phone calls answered by another person for several days if their names are released to the public.
8. Deputies directly involved in the shooting incident shall be required to re-qualify with their duty weapons as soon as practical.

C. Daily Stress Recognition

1. As post-traumatic stress disorders may not arise immediately, or the deputies may attempt to hide the problem, each supervisor is responsible for monitoring the behavior of unit members for symptoms of the disorder.
2. A supervisor may order a deputy to seek assistance or counseling from a mental health specialist upon a reasonable belief that stress may be disrupting the deputy's job performance.